Sheet 1

# UNITED STATES DISTRICT COURT

Eastern	District of	North Carolina
UNITED STATES OF AMEI	RICA JUDGMENT IN A	A CRIMINAL CASE
John D. Baker	Case Number: 7:11-0	CR-19-1BO
	USM Number: 55504	4-056
	Seth Allen Neyhart	
THE DEFENDANT:	Defendant's Attorney	
pleaded guilty to count(s) Criminal	Information	
☐ pleaded nolo contendere to count(s) which was accepted by the court. ☐ was found guilty on count(s)		
after a plea of not guilty.		
The defendant is adjudicated guilty of the	se offenses:	
Title & Section	Nature of Offense	Offense Ended Count
21 U.S.C. § 846	Conspiracy to Distribute and Possess With the Intent to Distribute 5 Kilograms or More of Cocalne.	September 15, 2008 1
18 U.S.C. § 924(c)	Possession of a Firearm in Furtherance of a Drug Traffi Offense.	icking September 15, 2008 2
The defendant is sentenced as provide Sentencing Reform Act of 1984.	vided in pages 2 through 6 of this jud	dgment. The sentence is imposed pursuant to
☐ The defendant has been found not guild	ty on count(s)	
Count(s)	is are dismissed on the moti	ion of the United States.
It is ordered that the defendant m or mailing address until all fines, restitution the defendant must notify the court and U	ust notify the United States attorney for this district in, costs, and special assessments imposed by this judnited States attorney of material changes in economic	within 30 days of any change of name, residence, gment are fully paid. If ordered to pay restitution, nic circumstances.
Sentencing Location:	8/19/2011	
Raleigh, North Carolina	Date of Imposition of Judgm Signature of Judge	ree Augh
	Terrence W. Boyle, Name and Title of Judge	US District Judge
	8/19/2011 Date	

Judgment - Page \_

DEFENDANT: John D. Baker **CASE NUMBER: 7:11-CR-19-1BO** 

# **IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a to

otal t	erm of:
	int 1 - 120 months int 2 - 60 months - concurrent with Count 1.
<b>1</b>	The court makes the following recommendations to the Bureau of Prisons:
Γhe (	Court recommends FCI Bennettsville for incarceration.
	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	□ at □ a.m. □ p.m. on
	as notified by the United States Marshal.
€	before 2 p.m. on 9/15/2011  as notified by the United States Marshal. Or  as notified by the Probation or Pretrial Services Office.
	RETURN
have	e executed this judgment as follows:
	Defendant delivered on to
ı <u>.</u>	, with a certified copy of this judgment.
	UNITED STATES MARSHAL
	Ву
	DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 12/03) Judgment in a Criminal Case NCED Sheet 3 — Supervised Release

DEFENDANT: John D. Baker

CASE NUMBER: 7:11-CR-19-1BO

Judgment—Page 3 of 6

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

#### Counts 1 and 2 - 5 years per count - concurrent.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

	The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
Ø	The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
Ø	The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
	The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
□ Sah	The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)  If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the edule of Payments sheet of this judgment.
	The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions he attached page.

#### STANDARD CONDITIONS OF SUPERVISION

- 1. The defendant shall not leave the judicial district or other specified geographic area without the permission of the court or probation officer.
- 2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five (5) days of each month.
- 3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4. The defendant shall support the defendant's dependents and meet other family responsibilities.
- 5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6. The defendant shall notify the probation officer at least then (10) days prior to any change of residence or employment.
- 7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician.
- 8. The defendant shall not frequent places where controlled substances are illegally sold, used distributed, or administered, or other places specified by the court.
- The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10. The defendant shall permit a probation officer to visit the defendant at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11. The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.
- 12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 12/03) Judgment in a Criminal Case Sheet 3C — Supervised Release

DEFENDANT: John D. Baker CASE NUMBER: 7:11-CR-19-1BO

Judgment—Page 4 of 6

# SPECIAL CONDITIONS OF SUPERVISION

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.

The defendant shall provide the probation office with access to any requested financial information.

AO 245B	(Rev. 12/03) Judgment in a Criminal Cas
NCED	Sheet 5 — Criminal Monetary Penalties

DEFENDANT: John D. Baker CASE NUMBER: 7:11-CR-19-1BO

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Judgment — Page	<del></del>	- u -		_

# **CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TO	Assessment 200.00	<u>Fine</u> \$	Restitut:	<u>ion</u>
	The determination of restitution is deferred untilafter such determination.	An Amended Ju	dgment in a Criminal Case	(AO 245C) will be entered
	The defendant must make restitution (including commun	nity restitution) to the	e following payees in the amo	unt listed below.
	If the defendant makes a partial payment, each payee sha the priority order or percentage payment column below. before the United States is paid.	ull receive an approx However, pursuant	imately proportioned payment to 18 U.S.C. § 3664(i), all no	, unless specified otherwise in onfederal victims must be pai
<u>Nan</u>	ne of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
		•	0.00 \$0.00	
	TOT <u>ALS</u>	_ <b>*</b>	0.00 \$0.00	
	Restitution amount ordered pursuant to plea agreement	\$		
	The defendant must pay interest on restitution and a fin fifteenth day after the date of the judgment, pursuant to to penalties for delinquency and default, pursuant to 18	18 U.S.C. § 3612(f)	00, unless the restitution or fir All of the payment options	e is paid in full before the on Sheet 6 may be subject
	The court determined that the defendant does not have	the ability to pay int	erest and it is ordered that:	
	the interest requirement is waived for the	ine 🔲 restitution	1.	
	☐ the interest requirement for the ☐ fine ☐	restitution is modif	fied as follows:	
* Fi Sep	ndings for the total amount of losses are required under Ch tember 13, 1994, but before April 23, 1996.	napters 109A, 110, 11	0A, and 113A of Title 18 for c	ffenses committed on or after

DEFENDANT: John D. Baker CASE NUMBER: 7:11-CR-19-1BO Judgment — Page 6 of 6

# **SCHEDULE OF PAYMENTS**

Hav	ing a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:
A		Lump sum payment of \$ due immediately, balance due
		not later than in accordance C, D, E, or F below; or
В		Payment to begin immediately (may be combined with C, D, or F below); or
С		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D	□.	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F Special instructions regarding the payment of criminal monetary penalties:		Special instructions regarding the payment of criminal monetary penalties:
Payment of the special assessment shall be due immediately.		
The	defe	the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financi ibility Program, are made to the clerk of the court.  Indant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
		nt and Several
		fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, a corresponding payee, if appropriate.
	The	e defendant shall pay the cost of prosecution.
	The	e defendant shall pay the following court cost(s):
	The	e defendant shall forfeit the defendant's interest in the following property to the United States:
Pay (5)	ment fine i	s shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.